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 401(k) PSP*

**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

BK-S-06-10725-LBR
 Chapter 11

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

BK-S-06-10726-LBR
 Chapter 11

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
 Debtor.

BK-S-06-10727-LBR
 Chapter 11

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

BK-S-06-10728-LBR
 Chapter 11

In re:
 USA SECURITIES, LLC,
 Debtor.

BK-S-06-10729-LBR
 Chapter 11

Affects

- ☒ All Debtors
- ☐ USA Commercial Mortgage Co.
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed
- ☐ USA First Trust Deed Fund, LLC

**EX PARTE MOTION TO
 BE REMOVED FROM
 CM/ECF SERVICE LIST
 AND EX PARTE
 MOTION FOR LEAVE
 TO WITHDRAW AS
 COUNSEL FOR DR.
 GARY KANTOR, MS.
 LYNN KANTOR, AND
 KANTOR
 NEPHROLOGY
 CONSULTANTS, LTD.
 401(K) PSP**

This Motion is filed by MCGUIREWOODS LLP ("McGuireWoods"), counsel of record

for Dr. Gary M. Kantor, Ms. Lynn Kantor, and the Kantor Nephrology Consultants, Ltd. 401(k) PSP (collectively, the "Kantor Parties"), creditors in the above-captioned bankruptcy cases. Pursuant to Local Rule of Practice IA-10-6(e)¹, McGuireWoods moves the Bankruptcy Court for leave to immediately withdraw as counsel of record for the Kantor Parties. This Motion is supported by the Declaration of Michael M. Schmahl, Esq., filed concurrently herewith, the Memorandum of Points and Authorities, and any oral argument that the Court may require.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF RELEVANT FACTS

6. On April 13, 2006, the above-captioned Debtors filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code").

7. On May 15, 2006, the undersigned counsel was admitted to practice *pro hac vice* before this Court in these cases and entered an appearance on behalf of the Kantor Parties.

8. The Kantor Parties filed numerous proofs of claim and proofs of interest in these cases. Many of the Kantor Parties' proofs of claim have been disallowed pursuant to various stipulations. The Kantor Parties remaining proofs of claim have never been objected to.

9. Currently, there are no pending objections or other active proceedings before the Court.

10. The last known addresses for Dr. Gary Kantor and Ms. Lynn Kantor is 2816 Vista Del Sol, Las Vegas, NV 89120. The last known address for the Kantor Nephrology Consultants, Ltd. 401(k) PSP is 1750 East Desert Inn Road, Suite 200, Las Vegas, NV 89109.

II. LEGAL AUTHORITY

LR IA 10-6 governs appearances, substitutions, and withdrawals, and provides that an attorney may withdraw from a case upon approval of the Court and notice to the affected client and opposing counsel as follows:

¹ The Local Rules referenced are the Local Rules of Practice for the United States District Court for the District of Nevada, and the designation "IA" references the Introduction.

(e) Except for good cause shown, no withdrawal or substitution shall be approved if delay of discovery, the trial or any hearing in the case would result. Where delay would result, the papers seeking leave of court for the withdrawal or substitution must request specific relief from the scheduled trial or hearing. If a trial setting has been made, an additional copy of the moving papers

shall be provided to the clerk for immediate delivery to the assigned district judge, bankruptcy judge or magistrate judge.

There are no proceedings currently scheduled or pending before the Court specifically related to the Kantor Parties. To the extent necessary, good cause exists, because the Kantor Parties have requested McGuireWoods withdraw its appearance in this matter and that any future notices be directed to them at the addresses


III. CONCLUSION

WHEREFORE, McGuireWoods requests that the Court enter an Order without further notice or hearing:

- A. Granting McGuireWoods leave to withdraw as counsel for the Kantor Parties; and
- B. Granting such other and further relief as is just and proper under the circumstances of this case.

Dated this 10th day of December, 2010.

MCGUIREWOODS LLP



/s/ Michael M. Schmahl
Richard J. Mason, Esq.
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Telephone: 312/849-8100
Facsimile: 312/920-6598

Attorneys for the Kantor Parties

CERTIFICATE OF SERVICE

I hereby certify that I am an attorney, and that on the 10th day of December, 2010, I caused to be served a true and correct copy of *EX PARTE* MOTION TO BE REMOVED FROM THE CM/ECF SERVICE LIST AND *EX PARTE* MOTION FOR LEAVE TO WITHDRAW AS ATTORNEYS FOR GARY KANTOR, LYNN KANTOR, AND KANTOR NEPHROLOGY CONSULTANTS, LTD. 401(k) PSP WITH CERTIFICATE OF SERVICE in the following manner:

☒ (ELECTRONIC SERVICE) Under Administrative Order 02-1 (Rev. 8-31-04) of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by that Court's facilities.

☒ (UNITED STATES MAIL) By depositing a copy of the above-referenced document for mailing in the United States Mail, first class postage prepaid to the parties listed on the attached service list, at their last known mailing addresses, on the date above written.

Dr. Gary Kantor and Ms. Lynn Kantor
2816 Vista Del Sol
Las Vegas, NV 89120

Kantor Nephrology Consultants, Ltd. 401(k) PSP
1750 East Desert Inn Road, Suite 200
Las Vegas, NV 89109

☒ (OVERNIGHT COURIER) By depositing a true and correct copy of the above-referenced document for overnight delivery via Federal Express, at a collection facility maintained for such purpose, addressed to the parties on the attached service list, at their last known delivery address, on the date above written.

☐ (FACSIMILE) That I served a true and correct copy of the above-referenced document via facsimile, to the facsimile numbers indicated, to those persons listed on the attached service list, on the date above written.


/s/ Michael M. Schmahl
Michael M. Schmahl